IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26063 of 2007(C)

PETITIONER:

M/S. AUTUMN WOOD RESORTS (CLOUD 9),
CHINNAKKANAL, MUNNAR, REPRESENTED BY ITS
MANAGING PARTNER SRI.PRAVEEN XAVIER.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

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1. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, IDUKKI.

BY GOVERNMENT PLEADER SRI. D. ANIL KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 26063 OF 2007

DATED THIS THE 24th DAY OF AUGUST, 2007

JUDGMENT

Against Ext.P1 order issued under the Cardamom Rules, the petitioner has filed Ext.P2 appeal and applications for interim orders in the same. The petitioner's contention is that the Appellate Authority is not considering either the appeal or the interim applications. In the meanwhile, the respondents have taken possession of the land and demolished the building thereon. According to the petitioner in a similar case, this Court had passed Ext.P10 order, whereby the respondents were restrained from assigning the property resumed or any portion thereof till disposal of the writ petition filed by the aggrieved persons and there was also an order directing the respondents to ensure that the property resumed is appropriately preserved against possible intrusion by the 3rd party and also against the theft of standing timber and cultivation is appropriately protected. The petitioner seeks a similar order in this case also. I feel that since the matter is pending in appeal, the petitioner can move for orders in that appeal itself for which the petitioner has already filed applications.

2. In the above circumstances, I direct the 1st respondent to

consider the interim applications filed by the petitioner and pass appropriate orders thereon expeditiously. While doing so, the 1st respondent shall take into account the fact that in a similar case this Court had passed Ext.P10 interim order. Till such orders are passed, the respondents shall not assign the property resumed and shall protect the property against possible trespass by other parties and against theft of the standing timber and cultivation. The 1st respondent shall post the appeal for appropriate proceedings within a period of two weeks from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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